

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

STEVEN ADRIEN OUANDJI,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-16-1303-C
)	
VINCENT HEDGLEN, and the)	
UNITED STATES OF AMERICA,)	
ex rel. UNITED STATES POSTAL)	
SERVICE,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

On December 14, 2015, Plaintiff was riding his skateboard southbound in the southbound lane of a public street in Norman, Oklahoma. A mail truck owned by Defendant, United States Postal Service, and operated by Defendant's employee who was acting in the course and scope of his employment, struck Plaintiff from behind. Plaintiff now seeks to recover damages for the injuries, while Defendants have filed a counterclaim, seeking to recover damages to the mail truck.

Plaintiff has filed a Motion pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), seeking to exclude certain portions of Defendants' expert Mark Sexton's testimony. Because this matter is brought pursuant to the Federal Tort Claims Act, it will be tried to the Court without a jury. Consequently, the issues raised in Plaintiff's Motion can be addressed during the trial and in the context of the challenged testimony. Accordingly, Plaintiff's Motion will be denied without prejudice to rearguing the issues during trial.

For the reasons set forth herein Plaintiff's *Daubert* Motion Regarding Defendant's Accident Reconstruction Expert (Dkt. No. 33) is DENIED without prejudice.

IT IS SO ORDERED this 5th day of April, 2018.



ROBIN J. CAUTHRON
United States District Judge